

The Times.

THE TIMES COMPANY.

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THE TIMES COMPANY.

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within the limits of Richmond and Man-
chester. Sunday paper three cents.

FRIDAY, JANUARY 28, 1888.

THE LATE INSURANCE DECISION.

The late decision of the United States
Supreme Court involving the liability of
an insurance company on a policy held
by a man, who, in sound mind, delib-
erately commits suicide, has attracted much
attention, and as there is evident misun-
derstanding as to the full meaning of the
decision, we cite the principal points cov-
ered as we glean them from the abstract
of the opinion by Justice Harlan. The
case in point was that of the executor
of William M. Runk against the Mutual
Life Insurance Company, of New York.It appears that about the time of the
execution of the policies in suit, Runk
held policies upon his life to the extent
of \$12,000 issued to him by various com-
panies, and that the year 1882 he effected
additional insurance to a considerable
amount, the total at the time of his death
being \$50,000. By his own confession he
was a defaulter, and took out this in-
surance with the deliberate purpose of
committing suicide that the policies might
be converted into cash and the proceeds
used to liquidate his debts.The company resisted payment and an
action was brought by the executor in the
United States Circuit Court of Appeals
for the third circuit. The company sub-
mitted as a part of its affidavit the ap-
plication which Runk had made for in-
surance, in which application it was expres-
sly stipulated and agreed that the ap-
plicant would not die by his own hand,
whether sane or insane, within a period
of two years from the date of his policy.The plaintiff objected to this affidavit on
the ground that the application was not
attached to the policy in accordance with
the Pennsylvania statute, and the objec-
tion was sustained by the court. On this
point the Supreme Court does not pass,
simply saying that if error was com-
mitted in this particular, it was one for
the benefit of the plaintiff. The question
before the trial court, therefore, was one
simply as to whether or not the plain-
tiff was sane or insane when he took his
life. The jury were instructed that if
they found that the plaintiff was insane
when he committed suicide, they must
find for him, but that if he was in sound
mind, they must find for the defendant.
The jury decided that the plaintiff was
in his right mind when the act of suicide
was committed, and rendered a verdict
for the defendant.The whole question considered, there-
fore, by the lower court and subsequently
by the Supreme Court was as to the
validity of a policy on the life of a man
who had deliberately ended his existence,
being in sound mind at the time.The Supreme Court, in passing upon
this point, says that the parties to the
contract did not contemplate insurance
against death caused by deliberate, in-
tentional self-destruction when the as-
sured was in sound mind, and that this is
apparent from the "provisions, require-
ments, and benefits" referred to in, and
made a part of the policy. They show,
says the court, that the policy was is-
sued on the twenty-year distribution plan,
and was to be credited with its distribu-
tive share of surplus apportioned at the
expiration of twenty years from the date
of issue.The Court then cites other such provi-
sions of the policy, all going to show con-
clusively that the death referred to in the
policy was to be a death occurring in the
ordinary course of events, and not by
the violent act of the assured designed
to bring about his death. The Court
then says:In the case of fire insurance it is well
settled that although a policy, in the
usual form, indemnifying against loss by
fire, may cover a loss attributable merely
to the negligence or carelessness of the
insured, unaffected by fraud or design, it
will not cover a destruction of the prop-
erty by the willful act of the assured
himself in setting fire to it, not for the
purpose of avoiding a peril of a worse
nature, but with the intention of simply
effecting its destruction. Much more
should it be held that it is not contem-
plated by a policy taken out by the per-
son whose life is insured, and stipulating
for the payment of a fixed sum to him-
self, his executor, administrator, or as-
signee, that the company should be liable,
if his death was intentionally caused by
himself when in sound mind. When thepolicy is silent as to suicide, it is to be
taken that the subject of the insurance,
that is, the life of the assured, shall not
be intentionally and directly, with what-
ever motive, destroyed by him when in
sound mind. To hold otherwise is to say
that the occurrence of the event upon the
happening of which the company under-
took to pay, was intended to be left to
his option. That view is against the very
essence of the contract.There is another consideration support-
ing the contention that death intention-
ally caused by the act of the assured
when in sound mind—the policy being sil-
ent as to suicide—is not to be deemed to
have been within the contemplation of the
parties; that is, that a different view
would attribute to them a purpose to
make a contract that could not be en-
forced without injury to the public. A
contract, the tendency of which is to en-
danger the public interests or injuriously
affect the public good, or which is sub-
versive of sound morality, ought never to
receive the sanction of a court of justice,
or be made the foundation of its judg-
ment. If, therefore, a policy—taken out
by the person whose life is insured, and
in which the sum named is made payable
to himself, his executor, administrator, or
assignee—expressly provided for the
payment of the sum stipulated when or
if the assured, in sound mind, took his
own life, the contract, even if not pro-
hibited by statute, would be held to be
against public policy, in that it tempted
against public policy, in that it tempted
the assured to commit suicide in order
in order to make provision for those
dependent upon him, or to whom he was
indebted.Many decisions are cited to sustain this
view, and in conclusion the Court says:For the reasons we have stated, it must
be held that the death of the assured,
William M. Runk, if directly and inten-
tionally caused by himself, while in sound
mind, was not a death intended to be cov-
ered, or which could legally have been
covered, by the policies in suit.The impression has gotten out, and we
have seen it so stated in a Virginia news-
paper, that the Supreme Court simply de-
cided that when a life insurance policy
contains an expressed provision that the
assured shall not take his life by his own
hand, the policy cannot be collected in
case the assured violated the contract by
committing suicide. But it is plain from
the extracts quoted above that the
Court's decision is much broader than
this. Indeed, as we have shown, the
question of expressed agreement on this
point was not considered either by the
trial court or by the Supreme Court, but
it is maintained that where nothing is
said on this subject, suicide is not con-
templated, and that to provide that the
policy would be paid whether the as-
sured took his own life or not would be
contrary to the public good.THE ANIMUS OF THE TELLER RESOLU-
TION.It is the contention of senators who
advocate the Teller resolution that to
pay principal and interest of government
bonds in silver dollars would work no
hardship to the holders, because a silver
dollar is now as good as a gold dollar.So far so good. Under the present sys-
tem every silver dollar in this country is
as good as a gold dollar, because with a
limited number of silver dollars the Gov-
ernment is abundantly able to maintain
them at par. If the world could be as-
sured that this condition would continue,
there would be no objection to the pro-
visions of the Teller resolution, for the
bondholder who received his principal or
interest in silver dollars could easily con-
vert those dollars into gold. But every-
body knows that the advocates of the
Teller resolution do not desire or con-
template the duration of existing con-
ditions, and the resolution is designed as
a step in the direction of the free coinage
of silver. It is that threat which would
alarm the bondholders and shake the
credit of this country, if there was any
doubt that the Teller resolution would
pass both branches of Congress.If the mints of the country should be
opened to the free and unlimited coinage
of silver, silver money would of necessity
depreciate in value and we think that
Senator Daniel innocently confessed as
much in his recent speech.The policy of paying in gold or silver
at the convenience of the Government is
pursued by France, and without detri-
ment to anybody, because there is in
France no threat of opening the mints to
the free coinage of silver.But that would never satisfy Mr. Teller
and Mr. Daniel and others who are sup-
porting the Teller resolution. What they
want and what they demand and what
they are trying to secure, is the free and
unlimited coinage of silver and the pay-
ment of bonds, principal and interest, in
such silver, whether it be depreciated in
value or not. The adoption of such a
policy would be absolutely destructive of
the credit of this Government, and would
be more disastrous to the interests of
the people of this country than was the
great earthquake to the city of Lisbon.

MONOPOLY AND INJUNCTION.

A hotel proprietor in Washington city
recently brought suit against a telephone
company for an injunction to restrain the
defendant company from removing a tele-
phone from the hotel and from discon-
tinuing the service. The hotel man also
protested against the practice of the com-
pany of compelling all hotels using the
service to take out their private 'phones
and to put in the dime in-the-slot ma-
chines.The facts in the case are stated as fol-
lows: The proprietor says that about
eight years ago the company put in a
telephone. No objection was made to
the use of the 'phone by the guests until
November 1, 1887, as it was not a source
of profit to the proprietor of the hotel.
On February 1, 1888, he purchased the
rights of the hotel business and consid-
ered the telephone privileges a valuable
part of the business. The company then
required him to enter into a contract
with it at the rate of \$10 per annum for
one year. On November 1, 1887, the com-
pany set up a claim that the telephone
was for the hotel only and that the
guests could not use it. He says he has
a telephone in his grain warehouse, and
that the company claims that it is illegal
to use his hotel telephone to talk to his
warehouse, but that he should go outside
to a public telephone.The hotel was notified on January 16th
that if the alleged violation of the con-
tract did not cease the telephone would
be taken out. On January 14th a check
for \$25 was returned, and he was notified
that on January 25th the telephone would
be taken out. In another letter from the
company of the same date, the hotel prop-
rietor was informed that he must make
new arrangements for a telephone. The
company advised him that they wouldrequire space in the hotel for a slot de-
vice free of rent, and that he should
guarantee them \$10 a month from the
machine, and that he should attend to
the collections. He asked that the de-
fendant be required to give him satisfac-
tory service at the old rate and that his
guests be allowed to use it free of charge.
Justice Bradley issued a restraining or-
der, returnable January 28th. The order
permits the use of the telephone at the
hotel by any one whom the proprietor
allows to use it.The case is reported substantially as
above (together with the names of all
parties in interest) in a press telegram
from Washington under date of January
25th. We find the telegram printed in the
Roanoke Times, a free silver exchange,
under the heading "Monopoly's Insol-
ence." Our contemporary could not re-
sist the impulse to denounce the "corpo-
ration," but said nothing against the in-
junction which restrained the "monop-
oly" from doing an "insolent" thing.Now as our contemporary stands on the
Chicago platform and as that platform
denounces "government by injunction" as
well as "trusts," we would like to know
our contemporary's opinion of the injunc-
tion which Justice Bradley issued in be-
half of the hotel man. Was it right or
not that this injunction should issue? Would it not have been more in the spirit
of the Chicago platform, had Justice
Bradley declined to interfere? In that
event, the hotel man would have brought
suit against the telephone company in a
jury court and after the usual delays
the case would have been tried. The
hotel man would probably have gotten a
verdict, the company would probably
have appealed, and in the course of a year
or two the case would probably have been
finally decided in favor of the plaintiff.In the mean time, however, he would
have been deprived of his contract right
to have a telephone service in his hotel.
His guests would have been deprived of
telephone privileges and the business of
the hotel would have suffered in conse-
quence.Taking all these things into considera-
tion, was it right that this case should
have been settled by a quick and effectual
injunction remedy, or by the slow and in-
effectual process of a jury trial?A cablegram from Rome says that the
Government intends to submit to Parlia-
ment a bill imposing a tax on titles,
and the measure discloses the idea
Italians have of the market value of these
marks of distinction. The bill proposes
that any one desiring the title of Prince
shall pay \$3,000 therefor. Five thousand
dollars will be the sum necessary to ob-
tain the title of Marquis, while \$10,000
will buy the title of Count. Any one may
become a Baron who is willing to pay \$1,000
for the honor.We suppose that the Italian Govern-
ment got its idea from the proposition in
Virginia to give to justices of the peace
the authority to confer the title of colonel
upon any citizen who is willing to pay a
dollar for the honor.The Fredericksburg Free Lance has en-
tered upon its fourteenth volume. The
Free Lance is a first-rate newspaper,
containing many unique news features,
and its editorial conduct is able and
courageous.Boyce, who is said to have attempted
to bribe an Ohio legislator and failed,
cannot be found. It's a shame to lose
sight of a fellow who enjoys such a rare
distinction.The Pittsburg Dispatch says that the
best way to detect the new counterfeit
\$100 bill is to "compare it with a genuine
\$100 bill and note that it is quarter of an
inch shorter." We have no doubt that
this is a good method, but all of our \$100
notes are about \$9 shorter.Maryland is politically pretty well in
the hands of the Republicans now, but of
course the erection of a new and enlarged
penitentiary has no bearing on that
fact.The King of Spain is now reported to
be engaged to be married. How trouble
does multiply when once it begins.The St. Louis woman whose eyes are
turning to granite will probably have no
trouble in curbing her glances.Crocker says "My wife doesn't know a
single thing about politics." Now if she
is also ignorant on the subject of racing
she may think Dick is an all right sort of
a fellow.Fire damaged the Philadelphia Ice Pal-
ace, but the papers give merely a run-
ning account of it.Senator Berry advises this country to
"jump into the water with Cuba and let
the blood run." This is funny when we re-
call that Senator Berry has but one leg.A Boston paper says "strawberries are
in our midst at \$2.50 per box." They will
get into our midst when they strike about
two boxes for a quarter.A Chicago man arrayed himself in his
dress suit at noon, and committed suicide
upon his wife's grave. Those Chicago
people do things in such bad form.Mrs. Lease is now going to become a
life insurance agent. Lease put up this
job sure.A crooked bank cashier of New Jersey
named Straight, has been sent to the pen-
itentiary for not being square.Charlotte Smith has begun war on the
Chinese laundrymen. Gracious, was there
no Caucasian bachelor who would sacri-
fice himself.Folks may think they are having a good
time these mild winter days, but there
will be frost enough when the ice man
begins to talk next summer.Ex-Senator Peffer is now out of a job.
He might double up with Dole for a Ha-
waiian song and dance at Washington.The proposition to reduce the salaries
of the State officials will not receive any
enthusiastic support from the Library
building.Senator Jack Mason is now in a good
position to use trading stamps in his busi-
ness.It's all over town now—mud.
Of course that was only a joke toimagine that the streets were allowed to
get into this condition just to make the
farmer legislators feet at home.

The First Born.

Young Parent—Come right in, old man,
and have a drink. I'm a happy father.
Old Parent—No, boy, I'm much
obliged, but I can't encourage you in your
delusions.—Philadelphia North American.

All Ask That.

Claude (earnestly)—Am I the first man
you ever loved?
Maud—Why, certainly! How strange
men are. They all ask me that question.
—Tit-Bits.

Deficient.

The man blew out his brains to cover
Up his tracks, they say.
Having too few to cover up.
His tracks some other way.
—Detroit Journal.

Mild Indulgence.

"Do you ask—ever have recourse to nar-
cotics?" asked the new physician.
"Only once a week," said the patient.
"Go to church with my wife every Sun-
day."—Cincinnati.

Yet a Fast Color.

Fair Shopper—Yes, it's a pretty color,
but why do you call it "Boy Messenger"
blue?
Shopman—Because we will guarantee,
madam, that it will never run.—Tit-Bits.

Good Advice.

Barrow—That's a dandy wheel you have
there, old man. I'll take a little spin on it
some day. By the way, what kind of a
wheel do you think I ought to ride?
Marrow—One of your own.—Pick-Me-
Up.

Sensible for It.

Brown—Did you ever see a man who
really wanted the ever?
Towner—Oh, yes.
Brown—Who was he?
Towner—A first-trip passenger on an
ocean liner.—Brooklyn Life.

None Like Her.

Mrs. Culmises—My husband thinks there
isn't a woman in the world like me.
Mrs. Smarte—I suppose that's the reason
he treats you so different from all the
other women. Of course, you know he's
quite a favorite with the ladies.—Boston
Transcript.

Pure Food.

"Oh, mamma, do Christians eat preach-
ers just like cannibals do?"
"Why, no, my child. What put that no-
tion into your head?"
"I heard Mrs. Deekson say that she was
going to have her minister for lunch."—
Brooklyn Life.

Don't Lie.

"James," said the milkman to his new
boy, "do you see what I'm a-doin' of?"
"Yes, sir," replied James, "you're a-
pourin' water into the milk."
"No, I'm not, James. I'm a-pourin'
milk into the water. So if anybody asks
you if I put water into the milk, you can
tell 'em no. Alters stick to the truth,
James. Cheatin' has had 'nough, but lyin'
is wuss."—Pick-Me-Up.

Where Stenwall Jackson Fell.

Where Rappahannock rolls along
The fella he fought so well,
A simple granite marker he set
Where Stenwall Jackson fell.Where sighing pines and murmuring elms
Their mutual sorrows tell,
The birds sing dirges o'er the spot
Where Stenwall Jackson fell.The birds and trees are sounding still
A nation's funeral knell,
For all our hopes were buried there
When Stenwall Jackson fell.

AFTERMATH.

Jefferson Lawrence, a young attorney
of Atlanta, is soon to be tried for crim-
inal barratry.The Circuit Court of Fremont, O., has
handed down a decision in the case of Ad-
die M. Smith against the estate of the late
Rutherford B. Hayes. Mrs. Smith re-
quested that the estate be divided into
four equal parts, the Hayes family being
a dog owned by the Hayes estate. She
sued for \$25,000 damages, and, after a
hard fought trial, lasting four weeks,
received \$7,500 damages. The Circuit
Court affirmed the decision of the lower
court.The suit of Hathaway & Heard against
Dr. Fridtjof Nansen for \$2,000 damages
for alleged breach of contract has been
settled by the lecturer's paying \$250 to
his former managers. Dr. Nansen said
that he would not have given them even
\$250 if he were not going to sail for
Europe on Saturday; but he didn't want
to be bothered.Small-pox is becoming again a serious
question in Montgomery, Ala. Last sum-
mer the city and county, sharing equal-
ly in the expense, spent \$9,000 in stamping
out the disease. It returned about the
last of November, however, and has
since assumed larger proportions than
ever, there being at this time, it is stated,
100 cases in the pest house, and as many
more in the houses of infection.Sam Johnson and Sam Drake, young
men residing near Ensley City, Ala.,
quarreled at a dance, the result of the
bestowal of their affections upon the
same young woman. Friends interfered
and prevented a fight. Next day they
met by appointment at a railroad trestle,
sixty feet high, to let superior physi-
cal strength settle their differences. In
the contest Johnson threw a hammer from
his pocket and struck Drake on the head,
knocking him from the trestle to the
rocks below, where his brains were dash-
ed out. The murderer escaped.A poll of the delegates to the Manu-
facturers' Convention in New York has
been made by the Herald on the state of
trade throughout the country.The consensus of opinion is that a great
revival of business has taken place in all
sections. The manufacturers prophesy
an unprecedented era of prosperity for
the United States.Andrew M. Moore, of Philadelphia, mil-
lionaire, owner of the Girard House, head
of the firm of Moore & Sinnott, distillers
and wholesale liquor dealers, and gen-
erally well-known business man, died on
Wednesday. Though Mr. Moore was in
his eighty-fourth year, he had been gen-
erally in good health until about two
months ago.The big new Indian Head Cotton mills
at Cordova, in Walker county, Ala., were
put in operation on Wednesday with mod-
est ceremonies. These mills will mark
an era in the history of the county, it is
believed. Walker has, within ten years
made enormous strides in the coal min-
ing industry, and in the manufacture of
has been ignored.A red granite sarcophagus for the wid-
ow of the late Ulysses S. Grant has been
placed in the tomb on Riverside Drive. It
weighs eight tons, and is the exact coun-
terpart of the one in which the dead
soldier reposes. It was cut at the quar-
ries at Monticello, Vt., and has all its
decorations finished. The sarcophagus
is a dark red, variegated in spots. On
the sarcophagus intended for Mrs. Grant
there is the name in Greek, "Ulysses S.
Grant." The sarcophagus of the Gen-
eral merely has his name, "Ulysses S.
Grant." The gas radiators at the Man-
chester Hotel are in the manufacture of
has been ignored.The presentation of the portrait of
Commander Webb, of the Confederate
States Navy, which was to have taken
place at Lee Camp to-night, has been
postponed, and the meeting will not be a
public one.Mr. Patterson Getting Well.
Mr. J. H. Patterson, of Manchester, who
was operated upon for appendicitis, at
the Old Dominion Hospital, has passed
the crisis in his affliction, and will be
able to resume his duties at the Man-
chester Hotel to-night.The presentation of the portrait of
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public one.Thursday night next, February 2nd, at
the Jefferson Club.The committee on arrangements main-
tain secrecy as yet as to the details of
the programme, but it is expected that
an elaborate occasion will be the result
of their efforts.

WEDDINGS OF A DAY.

Happy Young People Pledge Their Troth
to Each Other.A beautiful marriage took place yester-
day morning at 7 o'clock at "Wakefield,"
the handsome country residence of Mr.
Jacob Allee, where his daughter, Miss Ma-
mie, a young and pretty girl, became the
wife of Mr. Edward R. Maynard. The
ceremony was performed by Rev. S. C.
Hatcher, pastor of Denny-Street Metho-
dist church, and was witnessed by many
of the relatives and friends of the young
people.The handsome parlor was prettily
decorated for the occasion with potted
plants and ferns, the shades were low-
ered and lamps glowed here and there,
making the scene a beautiful one. The
bride was attired in a stylish travelling
dress of brown cloth with hat and gloves
of the same shade.After the ceremony a wedding breakfast
was served. Mr. and Mrs. Maynard were
then driven to the Byrd-Street depot,
where they took a train for Norfolk,
from which point they will go by steamer
for a wedding tour, which will include
the cities of New York, Philadelphia,
Baltimore and Washington.Mrs. Maynard is one of the energetic
most charming girls. The fortunate
bridegroom is a well-known brick con-
tractor of this city. Mr. and Mrs. May-
nard will make their home here.Becker-Kieber.
Miss Magdalene Kieber, the charming
daughter of Mr. and Mrs. Julius Kieber,
of 402 North Sixth street, last night at
8:30 o'clock became the bride of Mr. An-
guist Becker, Rev. Dr. Paul L. Menzel
performing the ceremony.The bride was attired in a dress of
light green silk, and carried a bouquet
of white roses. Her maid of honor was
Miss Henrietta Neurohr, who wore white
organdie over pink, and Mr. Walter
Grubbs acted as the groom's best man.Following the ceremony a elegant re-
ception was tendered the relatives and
friends of Mr. and Mrs. Becker at the
home of the bride's parents.Miss Kieber is a most popular and
charming young lady, numbering her
friends by the score. Mr. Becker is a
prominent young business man of this
city, having for some time past been
with the well known tailoring establish-
ment of J. F. Ewig.Mr. and Mrs. Becker will make their
future home at No. 23 South Fifth street.

Head-Davis.

News reached here Wednesday of the
marriage, in Washington, of Mr. J. W.
Head and Miss Laura L. Davis, both of
this city. The announcement was
quite a surprise to the friends of the
popular young couple. The bride is the
pretty and attractive daughter of Mr.
and Mrs. W. L. Davis, of this city. The
former home of the bride, while the
groom is a rising young business-man of
this city.